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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,930	10/27/2001	Brian A. Brunswick	006593-1870-C1	1688

33375 7590 03/23/2004

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EXAMINER

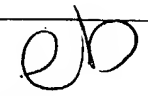
COOLEY, CHARLES E

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/039,930	Applicant(s) BRUNSWICK ET AL.	
	Examiner Charles E. Cooley	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12-17, 25, 27, 28, 32, 33, 37-40, 42-46 and 48-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17, 25, 37, 43-46, 48-54, 57 and 60-62 is/are allowed.
- 6) ☒ Claim(s) 1-8, 27, 28, 32, 33, 38-40, 42, 55, 56, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The status of the parent application should be updated as being U.S. Patent No. 6,494,610 B1 (see page 1, line 6).

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 32, 33, 38, and 40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16, 21, and 24 of U.S. Patent No. 6,494,610 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because instant claim 1 is anticipated by claims 16 and 21 of the patent, instant claim 32 is anticipated by claims 16 and 24 of the patent, instant claim 33 is anticipated by claims 16 and 24 of the patent, instant claim 38

is anticipated by claims 16, 21, and 24 of the patent, and instant claim 40 is anticipated by claims 16 and 24 of the patent.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27, line 9: "said yoke" lacks antecedent basis – delete "said yoke and" as discussed on 21 JAN 2003.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 32 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Munson (US 140,527).

The patent to Munson discloses a system including a bowl/receptacle A; bracket arrangement B, C, F coupled to and extending from said bowl /receptacle; said bracket

arrangement defining at least a first opening (within F) and a second opening (within the other one of F); the first opening being vertically spaced from said second opening and aligned therewith to define an axis (Fig. 1); where said bracket arrangement is defined by a first bracket F coupled to and extending from said bowl /receptacle A and having said first opening and a second bracket (the other one of F) coupled to and extending from said bowl /receptacle and having said second opening.

8. Claims 32, 40, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfaffenberger (US 3,073,493).

The patent to Pfaffenberger discloses a system including a bowl/receptacle 1, 2; bracket arrangement 3, 4, 5 coupled to and extending from said bowl /receptacle; said bracket arrangement defining at least a first opening (within 4 or within 5) and a second opening (within the other one of 4 or 5); the first opening being vertically spaced from said second opening and aligned therewith to define an axis (Figs. 1-2); where said bracket arrangement is defined by a first bracket 3 coupled to and extending from said bowl/receptacle and having said first opening and a second bracket (the other one of 3) coupled to and extending from said bowl /receptacle and having said second opening; the bowl/receptacle 1 being a two piece structure including a collar 2 and body 1 shaped to be removably received in the collar 2.

9. Claims 33 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Tracy (US 2,122,628).

The patent to Tracy discloses a system including a bowl/receptacle 1; bracket arrangement 4, 5 coupled to and extending from said bowl /receptacle; said bracket

arrangement defining at least a first opening (the upper opening within 5) and a second opening (the lower opening of 5); the first opening being vertically spaced from said second opening and aligned therewith to define an axis (Figs. 1-4); where said bracket arrangement is defined by a single bracket 4, 5 coupled to and extending from said bowl/receptacle and defining both the first opening and the second opening.

10. Claims 32, 40, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Alverson (US 5,048,709).

The patent to Alverson discloses a system including a bowl/receptacle 10, 12; bracket arrangement 16, 32 coupled to and extending from said bowl /receptacle; said bracket arrangement defining at least a first opening 36 and a second opening 18; the first opening 36 being vertically spaced from said second opening 18 and aligned therewith to define an axis (Figs. 1-2); where said bracket arrangement is defined by a first bracket 32 coupled to and extending from said bowl/receptacle and having said first opening 36 and a second bracket 16 coupled to and extending from said bowl/receptacle and having said second opening 18; the bowl/receptacle being a two piece structure including a collar 12 and body 10 shaped to be removably received in the collar 12.

11. Claims 1, 4, 5, 32, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Edmunds (US 1,807,589).

The patent to Edmunds discloses a system including a bowl/receptacle 5; bracket arrangement 9 coupled to and extending from said bowl /receptacle; said bracket arrangement defining at least a first opening (the upper opening in 9 through

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which 8 extends) and a second opening (the lower opening in 9 through which 8 extends); the first opening being vertically spaced from said second opening and aligned therewith to define an axis (Figs. 1-2); where said bracket arrangement is defined by a first bracket 9 coupled to and extending from said bowl/receptacle 5 and having said first opening and a second bracket 9 coupled to and extending from said bowl /receptacle and having said second opening; the brackets 9 vertically spaced from each other; a locking bracket 10 coupled to and extending from an outer surface of said bowl/receptacle 5; the bowl/receptacle 5 includes an upper edge, and wherein said locking bracket 10 is located adjacent to said upper edge (Figs. 1-3); said bowl/receptacle 5 further includes a protrusion (the handle-like member circumferentially adjacent 10) coupled to and extending from an outer surface of said bowl/receptacle 5, said protrusion being located adjacent to said upper edge (Figs. 1-3).

12. Claims 1, 4, 5, 7, 8, 32, 40, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Jamison (US 5,806,704).

The patent to Jamison discloses a system including a bowl/receptacle 20, 26; bracket arrangement 68 coupled to and extending from said bowl /receptacle; said bracket arrangement defining at least a first opening and a second opening (Fig. 2); the first opening being vertically spaced from said second opening and aligned therewith to define an axis (Figs. 1-3); where said bracket arrangement is defined by a first bracket (the upper member 68) coupled to and extending from said bowl/receptacle and having said first opening and a second bracket (the lower member 68) coupled to and extending from said bowl /receptacle and having said second opening; the brackets 68

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vertically spaced from each other; a locking bracket 66 coupled to and extending from an outer surface of said bowl/receptacle; the bowl/receptacle includes an upper edge, and wherein said locking bracket 66 is located adjacent to said upper edge (Fig. 1); said bowl/receptacle further includes a protrusion (the other one of 66) coupled to and extending from an outer surface of said bowl/receptacle; said protrusion 66 being located adjacent to said upper edge (Fig. 1); the bowl/receptacle being a two piece structure including a collar 20 and body 26 shaped to be removably received in the collar 20; handles 44 coupled to the bowl body; the locking bracket having an opening therein with the openings of the brackets 68 and 66 being generally circular.

13. Claims 33, 38, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Yeh et al. (US 6,092,647).

The patent to Yeh et al. discloses a system including a bowl/receptacle 222; bracket arrangement 248 coupled to and extending from said bowl /receptacle; said bracket arrangement defining at least a first opening 246 and a second opening 244; the first opening being vertically spaced from said second opening and aligned therewith to define an axis (Figs. 3-3A); where said bracket arrangement is defined by a single bracket 242 coupled to and extending from said bowl/receptacle and defining both the first opening and the second opening; a locking bracket 234 coupled to and extending from the bowl/receptacle 222 on a side of the bowl/receptacle 222 opposite the bracket arrangement 248.

14. Claims 1, 2, 3, 4, 5, 7, 32, 38, 39, 40, 55, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Lacher (US 2,613,847).

The patent to Lacher discloses a system including a bowl/receptacle comprising a bowl/receptacle body 10; a bracket arrangement including a first mounting bracket (the upper member 23) coupled to and extending from an outer surface of said body and having an opening therein; a second mounting bracket (the lower member 23) coupled to and extending from said outer surface and having an opening therein, said second mounting bracket 23 being vertically spaced from said first mounting bracket 23 (Figs. 1-3); said opening of said second mounting bracket 23 being generally aligned with said opening of said first mounting bracket 23 to define an axis; a locking bracket (another member 23 on the opposite side of the body 10) coupled to and extending from an outer surface of said body; said locking bracket has an opening therein and is located on an opposite side of said body 10 relative to said first and second mounting brackets (Figs. 1-3); said locking bracket is located about 180 degrees opposite said first and second mounting brackets on said body (Figs. 1-3); said bowl body 10 includes an upper edge, and wherein said locking bracket 23 is located adjacent to said upper edge (Figs. 1-2); wherein said body 10 includes an upper edge, and wherein said body further includes a protrusion (for example, another member 23 on the right side of the body 10 in Fig. 1) coupled to and extending from an outer surface of said body 10, said protrusion being located adjacent to said upper edge (Figs. 1-3); further comprising a pair of handles 26 coupled to said body, each handle being located on opposite sides of said body (Figs. 1-2); the protrusion 23 being disposed intermediate or between the locking bracket and first and second mounting brackets (Figs. 1 and 3).

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15. Claims 1, 2, 3, 7, 8, 32, 38, 39, 40, 42, 55, 58, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmuck (US 613,888).

The patent to Schmuck discloses a system including a bowl/receptacle comprising a bowl/receptacle body A, C; a bracket arrangement including a first mounting bracket (the upper projecting bracket b at the top of triangular member B') coupled to and extending from an outer surface of said body and having an opening therein; a second mounting bracket (the lower projecting bracket b at the bottom of triangular member B') coupled to and extending from said outer surface and having an opening therein as seen in Figs. 4-5; said second mounting bracket b being vertically spaced from said first mounting bracket b (Figs. 1-5); said opening of said second mounting bracket b being generally aligned with said opening of said first mounting bracket b to define an axis; a locking bracket (another member b on the opposite side of the body A) coupled to and extending from an outer surface of said body; said locking bracket has an opening therein and is located on an opposite side of said body A relative to said first and second mounting brackets (Figs. 1-5); said locking bracket b is located about 180 degrees opposite said first and second mounting brackets on said body (Figs. 1-5); further comprising a pair of handles B coupled to said body, each handle being located on opposite sides of said body (Fig. 3); the openings of the locking bracket and first and second mounting brackets being generally circular (Fig. 4-5); a protrusion (proximate C in Figure 3) being disposed intermediate or between the locking bracket and first and second mounting brackets (Fig. 3); the bowl/receptacle being a

two piece structure including a collar C and body A shaped to be removably received in the collar C (Figs. 1-3).

16. Claims 33 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmuck (US 613,888).

In another interpretation of the reference, the patent to Schmuck discloses a system including a bowl/receptacle A; a bracket arrangement b extending from said bowl/receptacle and defining a first upper opening and a second lower opening (Fig. 4); the first opening being vertically spaced from said second opening and aligned therewith to define an axis (Figs. 4-5); wherein said bracket arrangement is defined by a single bracket b as seen in Figs. 4-5 which is coupled to and extends from said bowl/receptacle and defines both said first opening and said second opening (Fig. 4); a locking bracket (another member b on the opposite side of the body A) coupled to and extending from an outer surface of said body and is located on an opposite side of said body A relative to said bracket arrangement; a protrusion (proximate C in Figure 3) being disposed intermediate or between the locking bracket and first and second mounting brackets (Fig. 3).

Allowable Subject Matter

17. Claims 27-28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

18. Claims 12-17, 25, 37, 43-46, 48-54, 57, and 60-62 are allowed.

Response to Arguments

19. Applicant's arguments with respect to claims 1-8, 32-33, 38-40, 42, 55-56 and 58-59 have been considered but are moot in view of the new ground(s) of rejection.

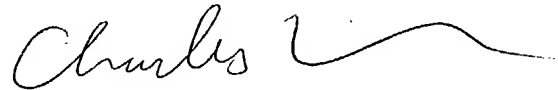
After consultation with a member of the receptacle art, the examiner informed Applicant that the claims drawn to the bowl/receptacle subcombination would be subject to further searching and likely prior art rejections during a conversation in FEB 2004.

Furthermore, in view of the significant burden placed on the PTO to examine inventions drawn to subcombinations of receptacles which are separately classified and clearly mandate a divergent search field far removed from mixers (as evidenced by the prior art applied in this office action - see attached PTO 892), the examiner reserves the right to require restriction in any future prosecution of this or copending applications.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles E. Cooley
Primary Examiner
Art Unit 1723

11 March 2004